



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

COTE-Champagne, Sebastien Luc Marc)

Case No. 8:18-MJ-39 (GLF)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 23, 2018, in the county of Clinton in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(1)

Offense Description

Improper entry by an alien, any alien who enters or attempts to enter the United States at any time or place other than as designated by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Chad R. Downie

, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: January 25, 2018

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. COTE-Champagne, Sebastien Luc Marc

On January 23, 2018, at approximately 4:45 p.m., Swanton Sector Communications (KAD 640) advised Champlain Border Patrol Agents that they had received a report of two male individuals walking out of the woods wearing backpacks on Eddy Road in Mooers, NY. Eddy Road is rural roadway which runs in close proximity to the international border between the United States and Canada. Eddy Road is also located approximately one mile from the Hemmingford Port of Entry at the United States (U.S.) and Canada International Boundary.

Border Patrol Agent (BPA) E. De Leon responded to the Eddy Road in her marked service vehicle and encountered two male individuals, one of the individuals was later identified as COTE-Champagne, Sebastien Luc Marc. At the time of the encounter the individuals were walking southbound on Eddy Road just north of North Star Road in Mooers, NY. BPA De Leon identified herself as a Border Patrol Agent and questioned the individuals regarding their citizenship and immigration status.

During the field interview COTE initially claimed to be a United States citizen, and that he was working on a farm on Eddy Road digging holes. COTE then later admitted to BPA De Leon that he was in the United States illegally and acknowledged he had just crossed the United States and Canada international border approximately 45 minutes prior. COTE also admitted to actually being a Canadian citizen born in Quebec and apologized for lying to BPA De Leon regarding his earlier claim that he was a United States citizen. At approximately 5:00 p.m., BPA De Leon arrested COTE and the other individual and transported them back to the Champlain Border Patrol Station for further investigation and processing.

At the station, COTE's biometric and biographical information were run through Department of Homeland Security (DHS) databases and Swanton Sector Communications. Immigration checks revealed no prior U.S. immigration history. Criminal history checks revealed a positive Canadian criminal history. Agents discovered COTE has an active warrant out of Vancouver (Canada) Police Department for Fear/Injury. Agents contacted the Vancouver Police Department to confirm the warrant. Due to COTE's criminal convictions in Canada he would be inadmissible in the United States if he had presented himself for inspection at a Port of Entry.

Agents were able to track COTE's footprints from Eddy Road to where he illegally entered the United States from Canada on the international border.

At approximately 7:15 p.m., Agents advised COTE of his Miranda rights and he agreed to make a statement without an attorney present. In COTE's sworn statement he conveyed to Agents that he knew that he did not have any legal status to enter the United States, and he did not attempt to enter the United States through a Port of Entry because he has a criminal record. COTE choose to illegally enter the United States near Mooers New York because he had looked on Google and seen that "thousands of people had crossed there recently" so he had thought it was a good place to attempt to enter the United States; even though he knew it was illegal to enter the United States through the woods.

COTE is a citizen of Canada who illegally entered the United States at a place not designated as a Port of Entry and United States immigration records show that COTE has never received a visa or any other kind of United States immigration documents that would allow him to enter legally.